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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

SOUTH LORAIN MERCHANTS,)
ASSOCIATION HEALTH &)
WELFARE BENEFIT PLAN, *et al.*,)
Plaintiffs,)
vs.)
DANIEL FEDELI, *et al.*,)
Defendants.

CASE No.

1:05CV2792

JUDGE

JUDGE MULSTER

DEFENDANTS' NOTICE
OF REMOVAL

DALE J. MULSTER
DALE J. MULSTER

TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant Medical Mutual of Ohio (“Medical Mutual”), with the consent of Defendants Daniel Fedeli and The Fedeli Group, hereby remove Case No. 575959, which is pending in the Court of Common Pleas for Cuyahoga County, Ohio, and is captioned *South Lorain Merchants Association Health & Welfare Benefit Plan, et al. v. Daniel Fedeli, et al.* The grounds for removal are the following:

1. On or about October 28, 2005, Plaintiffs commenced this action by filing a Complaint in the Court of Common Pleas, Cuyahoga County, Ohio. Copies of the Complaint and Summons are attached hereto as Exhibit A. To the best of Medical

Mutual's knowledge, the Complaint and Summons constitute all process, pleadings, and orders that have been filed in the case to date.

2. Defendants are entitled to remove this action to this Court pursuant to 28 U.S.C. § 1441 as an action over which this Court has original federal jurisdiction, in that:

- (a) Plaintiffs' Complaint asserts claims against Defendants under Sections 1 and 2 of the Sherman Act, 15 U.S.C. § 1, 2, and seeks relief under Section 4 of the Clayton Act, 15 U.S.C. § 15 and Section 16 of the Clayton Act, 15 U.S.C. § 26.
- (b) This Court has original jurisdiction over all such actions without regard to the citizenship of the parties or the amount in controversy pursuant to 28 U.S.C. § 1331 and this action may thereafter be removed to this Court pursuant to the provisions of 28 U.S.C. § 1441.

3. Service was first obtained on a named defendant on November 4, 2005.

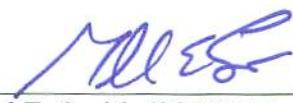
Consequently, this notice is being filed within thirty (30) days after service and is being timely filed pursuant to 28 U.S.C. § 1446(b).

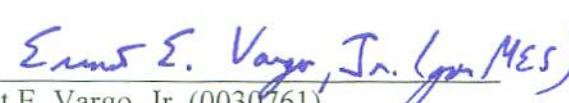
4. As evidenced by the signature of their counsel on the Consent to Removal attached as Exhibit B, defendants Daniel Fedeli and The Fedeli Group have consented to and joined in this removal.

5. Written notice of the filing of this Notice of Removal will be filed with the Clerk of Courts of the Cuyahoga County Court of Common Pleas, Cuyahoga County, Ohio, and served on all parties pursuant to 28 U.S.C. § 1446(b).

WHEREFORE, the Defendants remove this action from the Court of Common Pleas for Cuyahoga County, Ohio to this Court.

Respectfully submitted,

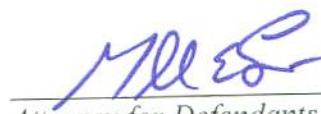

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CERTIFICATE OF SERVICE

A copy of the foregoing was served by U.S. Mail upon **Robert P. DeMarco, Esq.**, 30505 Bainbridge Road, Suite 225, Solon, OH 44139, and **Kenneth F. Seminatore, Esq.**, 1717 The Superior Building, 815 Superior Avenue, Cleveland, OH 44114, Attorneys for Plaintiffs, and **Nicholas Satullo, Esq.**, Reminger & Reminger, 1400 Midland Building, 101 Prospect Avenue, West, Cleveland, OH 44115-1093, Attorneys for Daniel Fedeli and The Fedeli Group this 5th day of December, 2005.



Attorney for Defendants
Medical Mutual of Ohio